

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NINA SHAHIN, :
Plaintiff, :
: :
v. : Civil Action No. 08-295-GMS
: :
YOUNG CONAWAY STARGATT :
AND TAYLOR, LLP, et al., :
Defendants. :
:

MOTION TO DISMISS

Defendant Young Conaway Stargatt & Taylor, LLP hereby (“Young Conaway”) moves pursuant to Fed. R. Civ. 12(b)(6) for an order dismissing plaintiff’s complaint against it. The grounds for this motion, set forth in more detail in defendant’s opening brief, are that:

1. Plaintiff has failed to allege the essential elements of any of the causes of action she asserts:

(a) Her Racketeer Influenced and Corrupt Organizations Act claim is deficient because she did not allege two predicate acts of racketeering activity.

(b) Her obstruction of justice claim is deficient because she did not allege conduct prescribed by any of the statutes on which she relies.

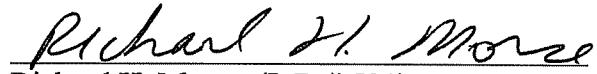
(c) Her civil rights claim is deficient because the civil rights statutes on which she relies do not create a private right of action. In addition, accepting the allegations of the complaint as true for the purposes of this motion, Young Conaway was not acting under color of state law.

2. Plaintiff’s claims based on alleged violations of Delaware Superior Court rules are deficient because violation of a rule of procedure does not create a cause of action.

3. Plaintiff is collaterally estopped by an adverse Delaware Supreme Court ruling from proving the central element of her claim against Young Conaway.

4. Plaintiff's complaint consists of conclusory statements and speculative factual allegations.

YOUNG CONAWAY STARGATT & TAYLOR, LLP


Richard H. Morse, (I. D.# 531)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6651
Facsimile: (302) 576-3319
Email: rmorse@ycst.com

Attorneys for Defendant

Dated: July 14, 2008

CERTIFICATE OF SERVICE

I, Richard H. Morse, hereby certify that on July 14, 2008, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification to all counsel of record that such filing is available for viewing and downloading.

I further certify that on July 14, 2008, I caused a copy of the foregoing document to be served by first class mail on the following:

Ms. Nina Shahin
103 Shinnecock Road
Dover, DE 19904

YOUNG CONAWAY STARGATT & TAYLOR, LLP

Richard H. Morse
Richard H. Morse (I.D. No. 531)
17th Floor, Brandywine Building
1000 West Street
P.O. Box 391
Wilmington, Delaware 19899-0391
(302) 571-6651
rmorse@ycst.com